

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SILVERIO QUIROZ,

Plaintiff,

- v -

LUIGI'S DOLCERIA, INC., (d/b/a
LUIGI'S DOLCERIA), LUIGI DI ROSA
and ANGELO DI ROSA,

Defendants.
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MEMORANDUM

14-CV-871 (VVP)

Following the trial of this matter the defendant Angelo Di Rosa filed a letter with the court and attached various documents which he asked the court to consider in connection with the determination of this case. The court writes briefly to address the submission.

Firstly, the court was unable to consider the attachments as they were not offered in evidence at trial. Even if they had been offered, most of the items would not have been admitted either because they were inadmissible hearsay, or because they were not relevant to the ultimate issues in this case. For example, this case was not about whether the individual defendants Luigi and Angelo Di Rosa were good employers or whether they treated their employees well. Nor was the case about whether or not the plaintiff was fired. The issue in this case was whether the plaintiff was able to prove that he was not properly paid for all of the hours that he worked, under the strict laws governing wages and hours that have been enacted by the federal government and the State of New York. As explained in the Findings of Fact and Conclusions of Law issued today, the court finds that he met his burden of proof under the applicable rules of law. The court recognizes that the defendants were at a disadvantage because they were not represented by counsel. Nevertheless, the court is constrained to make decisions based on the admissible evidence before it, which is what the

court has sought to do, understanding that the determination of this case has significant consequences for all parties.

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY

United States Magistrate Judge

Dated: Brooklyn, New York
May 17, 2016